

**SUBJECT
AMERICANS WITH
DISABILITIES ACT
COMPLIANCE FOR
EMPLOYMENT
APPLICANTS and
CURRENT MEMBERS**

**POLICY NUMBER
3.02**



POLICY MAINTENANCE ADMINISTRATOR: Chief, Bureau of Personnel Services

PURPOSE/SCOPE: To establish policy regarding equal access and employment opportunity for persons with disabilities and to ensure department and member compliance with the non-discrimination provisions of State and Federal laws, rules, and executive orders as it relates to employment for persons with disabilities

I. AUTHORITY

The Americans with Disabilities Act of 1990, Titles I and V
Federal Law, The Americans with Disabilities Act (ADA) of 1990, as amended

Chapter 760, Florida Statutes, the Florida Civil Rights Act

Governor's Executive Order 11-03 and Code of Ethics, effective January 4, 2011

II. DEFINITIONS

- A. Internal ADA Coordinator - The Executive Director has designated the Chief, Bureau of Personnel Services as the Internal ADA Coordinator. The designee is responsible for providing information, resources, and technical assistance to managers, supervisors and members in complying with ADA requirements as it relates to those applying for employment or to current members.
- B. Essential Function - A job function may be considered essential for any of several reasons, including, but not limited to, the following: the reason the position exists is to perform that function, there are a limited number of members who can perform that function or the function is highly specialized and the member was hired for expertise or ability to perform it. Evidence as to whether a function is essential includes, but is not limited to: the employer's judgment, a written job description prepared prior to advertising or conducting interviews, the amount of time spent on the job performing that function, and the consequences of not requiring the member to perform that function.

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| Executive Director SIGNED ORIGINAL ON FILE | Effective Date 07/26/1992 |
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- C. Applicant for employment or current member with a disability - One who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment, or is regarded as having such impairment. Major life activities include, but are not limited to, walking, working, seeing, hearing, speaking, breathing, learning, caring for oneself, sitting, standing, lifting, reading, and performing manual tasks.

- D. Qualified Applicant for employment or current member with a disability - A person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the job that the individual holds or desires, and who, either with or without reasonable accommodation, can perform its essential functions.

- E. Reasonable Accommodation - Change in the work environment which results in an equal employment opportunity for an individual with a disability. An accommodation is not reasonable if it would fundamentally alter the nature of the Department's mission, cause significant difficulty or expense, or otherwise impose an undue hardship.

III. POLICY

The Department of Highway Safety and Motor Vehicles assures access and opportunity to a qualified person with a disability who can perform the essential functions of a job. This applies to hiring, advancement, compensation, job training, access to facilities and programs, telecommunications, and other terms, conditions and privileges of employment. No qualification or selection criterion which would screen out an applicant with a disability on the basis of disability is acceptable unless it is a business necessity and is specifically identified as an essential function on the official position description.

The Department will provide reasonable accommodations to ensure that services, programs and activities are readily accessible to persons with disabilities who request such accommodation.

The Department will provide information and direction on ADA requirements to all members as needed.

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IV. ROLES AND RESPONSIBILITIES

A. Bureau of Personnel Services

1. Chief of Personnel Services is to serve as Internal ADA Coordinator;
2. Distribute information and provide assistance regarding ADA responsibilities and requirements to department managers, supervisors and members;
3. To ensure that all department employment practices and any provision of reasonable accommodations requested will comply with ADA requirements.

B. Supervisory Responsibility

1. Supervisors may not ask any applicant or member if they have a disability.
2. Any situation involving a member or applicant that involves ADA, accommodations, or situations where the supervisor believes that action may need to be taken in such a situation must be reported through the chain of command and to the Chief of Personnel Services.
3. No action may be taken in situations described in number 2 above until the appropriate review has been conducted and the specific course of action determined by the Chief of Personnel Services.

V. PROCEDURES

A. Duty to Accommodate

The Department will, upon request, and after consultation with the Internal ADA Coordinator, provide a reasonable accommodation to the known physical or mental limitations of a qualified prospective employee or current member with a disability, unless the accommodation would fundamentally alter the nature of the Department's mission, cause significant difficulty or expense, or otherwise impose an undue hardship. Examples of reasonable accommodation include, but are not limited to:

1. Making facilities accessible to a person with a disability;
2. Job restructuring;
3. Modifying work schedules;
4. Acquiring or modifying equipment or devices; and
5. Modifying exams or training materials.

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B. Complaint of Discrimination

Any applicant or member who believes he or she has been unlawfully discriminated against on the basis of disability in employment may file a complaint with the Internal ADA Coordinator, the Chief of Personnel Services, through the provisions of Department Policy 3.05, Claims of Discrimination. The Internal ADA Coordinator may be reached at the Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0500, telephone (850) 617-3207.